

REMARKS

By the present paper, claims 1 - 9 are cancelled without prejudice or disclaimer of subject matter therein and new claims 15 to 25 are added. Claims 10 - 14 were withdrawn. New claims 15 - 25 are drawn to a method of anodic oxidation and are drawn to an elected invention.

Replacement sheets for figures 6, 7, and 8 are provided herewith.

Entry of the new claims and reconsideration of the Application are respectfully requested.

The Replacement Drawings:

Replacement sheets of figures 6, 7, and 8 are provided to correct the non-English word "carrlage" with -- carriage -- . Applicants respectfully submit that support for the amendments to the drawings is apparent in the specification.

The New Claims:

New claims 15 - 24 replace claims 1 - 9, now cancelled.

Support for new claim 15 can be found, for example, in claim 1 as filed, and further in the specification at page 2, lines 6 - 8, and page 19, line 5 to page 20, line 3.

Support for new claim 16 can be found, for example, at page 19, line 5, to page 20, line 3.

Support for new claim 17 can be found, for example, at page 19, lines 5 - 9.

Support for new claim 18 can be found, for example, at page 25, lines 22 - 24.

Support for new claim 19 can be found, for example, in claim 2 as filed.

Support for new claim 20 can be found, for example, in claim 3 as filed, and further at page 21, lines 1 - 9.

Support for new claim 21 can be found, for example, in claim 4 as filed.

Support for new claim 22 can be found for example, in claim 5 as filed.

Support for new claim 23 can be found, for example, in claim 7 as filed, and further at page 19, line 23, to page 20, line 6.

Support for new claim 24 can be found at, for example, page 34, line 7, to page 35, line 13.

New claims 25 - 29 describe the invention in language and format conforming even better to United States patent practice. Support for new claim 25 - 29 can be found, for example, in the claims as filed and further as described above for new claims 15 - 24.

Applicants respectfully submit that the new claims do not introduce new matter into the Application.

Objections to the Specification:

The specification was objected to because of an obvious scrivener's error. Applicants respectfully submit that the present amendments cure any such defect and do not introduce new matter into the Application.

Claim Rejections Under 35 U.S.C. § 112:

Claim 1 was rejected as indefinite because "pores" was not positively recited. Claims 2 - 9 were rejected as indefinite because various elements recited in the dependent claims lacked antecedent basis. Applicants respectfully submit that cancellation of claims 1 - 9 and presentation of new claims 15 - 25 cure Applicants' regrettable oversight.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1 - 7 were rejected as allegedly anticipated by GB 706,739 to Glen L. Martin Co. (GB '739). Claims 1 - 7 are cancelled, mooting the rejection of those claims. Applicants address the applicability *vel non* of the rejection to new claims 15 - 25.

A claim is anticipated only if each and every element as set forth in the claim is expressly or inherently disclosed in a single prior art reference. The allegedly anticipating reference must show the identical invention in as complete detail as contained in the claim. See M.P.E.P. § 2131 (underscore supplied). Moreover, the elements allegedly disclosed in the single prior art reference must perform the same function as the allegedly corresponding element in the claim in question. *Minnesota Mining & Manufacturing Co., v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1569, 24 USPQ2d 1321, 1329 (Fed. Cir. 1992).

In the present invention, carbonated water is used as the electrolytic solution, the carbonated water is pressurized and heated, and oxide film forming and sealing treatment are carried out simultaneously. The sealing suppressing ion generating agent is used to suppress the sealing so that the pores of the oxide film are adjusted precisely. Thus, the operations, catalyst carrying, and dying which utilize the pores, are carried out rationally.

GB '739 discloses a method of anodic electrolytic deposition of an oxide layer on aluminum in which the electrolyte is sulfuric acid. An undisclosed and uncontrolled¹ amount of carbon dioxide is introduced into the existing sulfuric acid electrolyte. The electrolyte is still aqueous sulfuric acid. The concentration of sulfuric acid in the electrolyte taught by GB '739 is such that the pH would be expected to be 3 or less and, in any event, the pH of the electrolyte of GB '739 is not brought to pH 3 to 4 by combination of carbon dioxide with water, as required by Applicants' claims. For at least this reason, Applicants respectfully submit that GB '739 does not disclose all of the elements of Applicants' claims 15 -25 with the requisite specificity and function and, accordingly, Applicants respectfully submit that GB '739 does not anticipate claims 15 - 25.

Claim Rejections Under 35 U.S.C. § 103:

Claims 8 and 9 were rejected as allegedly obvious over GB '739 in view of either or both of Crouse et al., US 6,869,671 (Crouse et al.) and Mahulikar et al., US 5,608,267

¹ For example, tossing in chips of DryIce®

(Mahulikar et al.). Cancellation of claims 8 and 9 moots the rejection of those claims. Applicants address the applicability *vel non* of the rejection to new claims 15 - 25.

As Applicants best understand the rejection, the Office cites Crouse et al. and Mahulikar et al. simply for the proposition that the workpiece of the process can be made of Ti as well as Al. Applicants agree with this point. However, the patentability of Applicants' claims resides, in part, in their inventive use of carbonated water at pH 3 to 4, produced *in situ* by combination of carbon dioxide and water, as the electrolyte.

Applicants respectfully submit that GB '739, alone or in any combination with Crouse et al. and Mahulikar et al. neither taught nor suggested to the skilled artisan of the day all of the elements and limitations of Applicants' claims. For at least this reason, Applicants respectfully submit that claims 15 - 25 cannot be said to be obvious over the applied art.

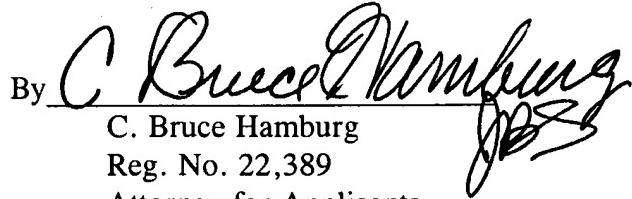
Conclusion:

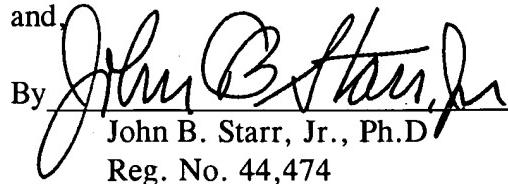
Based on the forgoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorneys.

The fee of \$195.00 for the multiple dependent claim(s) is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and, By 
John B. Starr, Jr., Ph.D
Reg. No. 44,474
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340